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# EDUCATION WEEK

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The Philadelphia Inquirer

**Asbestos worker enters a classroom at the Baldy Middle School in Philadelphia.**

## Questions Linger On Quality of Asbestos Efforts

**By Ellen Flax**

Despite a tight deadline and a shortage of funds, most schools—including the vast majority of public schools—have had their buildings inspected for asbestos and have submitted management plans to state authorities by May 9 as required by the Congress, officials involved in the process said last week.

But the vast and complicated enforcement machinery set up under the federal law has bogged down at the state level, where much of the oversight responsibility was placed, a wide variety of public officials, educators, and asbestos experts agreed in interviews.

State officials engulfed by the paperwork submitted by schools have been unable to even cursorily check its quality, answer technical questions, or meet their own deadlines, the observers said. One called the states' performance "an atrocity."

The bottleneck raises doubts, they said, about the ability of the states and the U.S. Environmental Protection Agency to monitor schools' management plans closely enough to spot potential flaws.

This is especially worrisome because school officials are legally required by the Asbestos Hazard Emergency Response Act to follow their management plans, the observers said.

"You have school districts with a false sense of security," said William "Chip" D'Angelo, president of Kaselaan and D'Angelo, one the nation's largest asbestos-consulting firms. "Yet no one is really capable of checking out the quality of that work."

More stringent than any previous federal asbestos law, the 1986 measure originally required all public and private schools to inspect their buildings for both friable and nonfriable asbestos and to submit management plans to state authorities by last October. Schools were only allowed to hire consultants that had passed an E.P.A.-accredited course.

After education groups complained that

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## Early Retirement: Teachers Win Benefits With 'Political Muscle'

**By Ann Bradley**

Faced last year with the prospect of layoffs due to budget cuts, teachers in Minneapolis negotiated a provision into their contract that would allow teachers with 15 years of experience to retire at the end of this school year, with substantial salary bonuses.

As with early-retirement incentives in school districts and states nationwide, the Minneapolis plan appeared to offer something for everyone. District officials said that retiring highly paid teachers presented an opportunity both to save money and to hire more minority teachers. And union leaders said the option would give their members a professional reward.

But critics say early-retirement plans—lobbied hard for by local and state teachers' unions—may be shortsighted, given the projected national teacher shortage, questions over the financial impact of the plans, and uncertainty over how many teachers actually will elect to retire early.

The teachers' unions argue that the option to retire before age 65 is a benefit common to the business world, and that having the option to bow out early gives teachers a much-needed lift. They also have promoted the plans as tools for improving the academic climate by giving dispirited teachers a way out of the classroom.

An early-retirement bill supported by the Texas State Teachers Association was expected to take effect this week. In South Carolina, where an early-retirement bill now is pending, and in Wiscon-

*Continued on Page 20*

## Final Chapter 1 Rules Ask the States To Set 'Standards' on Pupil Progress

**By Julie A. Miller**

WASHINGTON—The Education Department has issued long-awaited final regulations for the Chapter 1 compensatory-education program that provide some protections for local autonomy, while still giving states substantial authority over local programs.

Groups representing state and local officials expressed satisfaction with the compromise last week. But advocates for parent groups said they were considering a lawsuit over aspects of the rules that they contend violate the 1988 reauthorization law the regulations were designed to implement.

The final rules, published in the May 19 *Federal Register*, include many substantive changes from the proposed regulations issued in October. The most significant alterations involve controversial new program-improvement requirements.

The core dispute, which first arose during Congressional debate on the reauthorization measure, is how much authority state officials will have to intervene in local programs.

The statute requires school districts to assess their Chapter 1 programs annually and draft "improvement plans" for those programs that do not show sufficient gains

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## Teachers Accept 3-Year Contract In Los Angeles

### *Union, Board Settle On 24 Percent Raise*

**By Lynn Olson**

Los Angeles teachers returned to school Friday, following the approval of a three-year contract that will provide them with a substantial salary increase and a much greater say in how their schools are run.

The agreement ended a bitter, 11-day strike in the nation's second largest school district that had kept many of the city's 594,802 students out of class.

Representatives from the school board and United Teachers of Los Angeles expressed relief that the strike was over and said they were generally pleased with the contract's terms, despite concessions on both sides.

"I'm just thrilled about the settlement," said Roberta L. Weintraub, president of the school board.

And Don Schrack, a spokesman for the union, said, "I don't see how anyone could view it as anything but a great victory for U.T.L.A."

The agreement will provide teachers with an 8 percent pay hike in each of its three years, beginning in 1988-89. During the life of the contract, salaries for beginning teachers will jump from $23,440 to more than $29,500. Top salaries for teachers with a doctorate degree will climb from $40,871 to nearly $54,000.

In addition, a school-based-management plan will go into effect immediately that will provide teachers with a dramatic gain in authority over how their schools operate.

Under the plan, each school must establish a school-site council, half of whose

*Continued on Page 19*

## Black Community Must Press for Reforms, Black Scholars Assert

**By William Snider**

WASHINGTON—A group of prominent black scholars has challenged the black community to act in concert to exert pressure on the public schools to meet the needs of black children, particularly those from economically deprived environments.

"The improvement of public education must be the principal objective of the black community in the next decade," the scholars argue in an essay entitled "Visions of a Better Way: A Black Appraisal of Public Schooling." The document was released last week at a press conference here.

"We can meet the challenge of ensuring a world-class education for our children only through political activism," the authors say. "All segments of the black community must demand that the schools have the staff, policies, and resources necessary to their tasks."

The report draws upon recent research to chronicle the current failings of the public schools and to illustrate concrete ways that positive changes can be accomplished.

The essay was issued by the Committee on Policy for Racial Justice, a group of 29 black scholars that includes Derrick Bell, professor of law at Harvard University; Mary Frances Berry, professor of American social thought and history at the University of Pennsylvania; James P. Comer, professor of child psychiatry at Yale University; Marian Wright Edelman, president of the Children's Defense Fund; and Eleanor Holmes Norton, professor of law at Georgetown University.

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Is it, for youths, a route to more jobs or to a 'two-tiered system'?
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## IN SUMMARY

**Chicago Reform Panel**
Mayor Richard M. Daley of Chicago last week named a teacher, two parents, and several school and community activists to lead the city's school system as it undergoes a radical restructuring. **Page 5.**

**Arts-Education Strategy**
A skeptical review from its new advisory panel on arts education may lead the National Endowment for the Arts to rethink its plan to give schools money for development of model curricula. **Page 6.**

**Nursery-School 'Agony'**
Faced with a flood of applications that far exceeded the available space, the Dalton School, an elite independent school in New York City, has decided to drop its nursery-school program. **Page 7.**

**Boost for Open Enrollment**
Despite objections from rural-school leaders, Nebraska last week followed the lead of three other states in establishing a "choice" system allowing student transfers across school-district lines. **Page 8.**

**Liable for Trouble?**
A state court in California last week heard an appeal in a closely watched Oakland case that seeks to test schools' liability for campus violence under a unique constitutional provision. **Page 10.**

**'Honoring' Education's Friends**
Disclosure forms filed by members of the Congress show that education groups are not averse to paying honoraria to legislative allies, but that they are not key sources of outside income. **Page 13.**

**Environmental-Education Plans**
Experts say the new federal interest in supporting environmental-education programs has to be channeled into workable plans that do not duplicate past mistakes. **Page 15.**


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# ACROSS THE NATION

## STATES

### Iowa Court Orders Schooling For Home-Educated Retarded Boy

In a case being watched closely by home educators, the Iowa Supreme Court has ordered the parents of a mentally retarded 11-year-old boy to enroll him in school.

The court left open the possibility that the child could be taken from the custody of his parents if they refused to send him to school.

The boy, who is mildly to moderately retarded, has been receiving instruction from his mother, a certified teacher, at their home on an Indian reservation near Tama.

State officials determined, however, that the youth was not progressing at home and needed to attend special-education classes at school. When the parents refused, they were convicted on charges of violating the state's compulsory-attendance law.

While the conviction is on appeal, the parents have continued to keep the child at home. So officials decided to move under child-custody laws, which can lead to termination of parental rights.

In its decision this month, the court agreed that the boy's needs were not being met. "A child's best interests include not only proper care and treatment, but also education," it ruled. "If the parents demonstrate continued resistance to in-school teaching, the juvenile court should then consider placement outside the home."

Some home-schooling advocates have expressed concern that the state may begin to move against parents through juvenile-court proceedings, which are closed to the public, rather than by prosecution under compulsory-attendance laws, which can lead to highly publicized trials.

A one-year moratorium on compulsory-education prosecutions expires this summer.

## DISTRICTS

### Kentucky Parents Seek To Block School Near Toxic-Waste Site

A group of parents in Ohio County, Ky., has announced plans to boycott a proposed new school that they say will be built too close to a toxic-waste dumping site.

Peggy L. Haynes, president of Concerned Citizens for a Safe School Site, said last week that nearly 600 parents in the rural community had agreed to keep their children out of the school.

The parents are concerned that the school site is less than two miles from old coal mines where aluminum companies have buried wastes that emit toxic ammonia fumes when exposed to water.

Art Williams, a spokesman for the state natural-resources agency, conceded that the fumes may cause some irritation, but said the site has not been found to be a health hazard. Although the state plans to clean up the dump site, there is no reason to halt construction of the school, he said.

The U.S. Environmental Protection Agency has placed the dump site on the priority list for cleanup aid under the Superfund program.

Ms. Haynes argued that the school board's action on the building plans was politically influenced, since the district superintendent owns a farm adjacent to the planned site. But a spokesman for the district denied any impropriety.

The board is expected to vote on opening up contract bidding for the project next month, with construction scheduled to be completed by 1990.

■ **District of Columbia vocational schools will offer academic instruction in an attempt to keep students from skipping classes,** the school board has decided.

The board voted this month to have the seven schools, which currently offer only half-day vocational programs, provide academic courses as well.

Under the present system, many students attend their academic classes at the city's 13 regular high schools, but skip their afternoon vocational classes, a district spokesman explained.

■ **Wyandotte, Mich., school officials have stopped assigning developmentally disabled students to scrub floors in the homes of parents and teachers** after two mothers filed a lawsuit calling the practice "child slavery."

Sandra Adkins and Laura Murphy, whose daughters attend the district's Downriver Regional Training Center, contended in court this month that, while they had given permission for their children to gain work experience in a clothing store, they had no idea that the youths were being taken from class to do unpaid housework as well.

Michael Williamson, superintendent of the suburban Detroit district, said that the house-cleaning duties—usually in the homes of senior citizens—were an important part of the school's work-experience efforts.

"It's been a very successful program in moving youngsters with significant handicapping conditions to a high level of independence," Mr. Williamson said. Faculty homes were being used, he explained, because no senior citizens had volunteered recently for the program.

■ **Candidates for the leadership of the nation's largest school system will be screened by an eight-member search committee** formed by the New York City Board of Education.

The committee will seek a successor for the late Richard R. Green, the schools chancellor who died unexpectedly this month after only 14 months on the job.

The panel will be headed by Albert G. Bowker, a former chancellor of the City University of New York, who also led the committee that found Mr. Green.

The board also voted to name Bernard Mecklowitz, a former community district superintendent, as interim chancellor for the system until the end of the year.

Mr. Mecklowitz has announced that he will not seek the chancellorship, which is expected to go to a member of a minority group.

■ **Three Brooklyn, Ohio, school officials have been indicted for failing to report to police a woman's allegation that she had been sexually abused by a teacher when she was a high-school student more than a decade ago.**

In a 1988 phone call to the high school's principal, the woman, now 31, charged that Kenneth Konicek, a band director, had abused her in the 1970's, said Thomas J. Sammon, an assistant county prosecutor.

A Cuyahoga County grand jury this month indicted the school's principal and athletic director and the district superintendent for the misdemeanor of failing to report a felony.

Although none of the officials held their present positions at the time of the alleged incident, they still had an obligation to report the allegations, Mr. Sammon said.

But William D. Beyer, a lawyer for the superintendent, called the indictments "a matter of Monday-morning quarterbacking as to what someone should have done with the limited amount of information being given and the circumstances under which it was given."

Mr. Konicek resigned last month after pleading guilty to sexual battery and now awaits sentencing.

The school board has not acted against the superintendent and principal, who are scheduled for arraignment this week. The athletic

## *Geography Pays Off*

Jack Staddon, a 13-year-old student from Great Bend, Kan., proudly displays a replica of the $25,000 scholarship he will receive for winning the first National Geography Bee. The competition was sponsored by the National Geographic Society.

director, who has also been indicted on unrelated sexual-assault charges, has taken a voluntary leave of absence.

■ **The Philadelphia schools cannot enforce a century-old state rule barring teachers from wearing religious dress or emblems,** a federal judge has declared.

U.S. District Judge James McGirr Kelly said this month that the rule violates the Civil Rights Act of 1964, which requires a "reasonable accommodation" of employees' religious beliefs.

The judge ordered the district to pay $5,315 in back wages and interest to Delores Reardon, a former substitute teacher who said she was denied assignments because she wore a headpiece mandated by her Islamic faith.

■ **Salt Lake City students would be killed during a major earthquake because some school buildings would collapse,** a study commissioned by the district has concluded.

The study found that most parts of the city's public high schools and 10 of its elementary schools would pose a "high life hazard," while most sections of 12 other elementary schools and all 4 intermediate schools would pose "appreciable life hazards."

■ **Roman Catholic parents should not let their children attend AIDS-education lessons offered by Boston public schools,** Cardinal Bernard F. Law urged parishioners last week.

The district's AIDS curriculum, which stresses abstinence but includes information about condoms, "presents various issues of sexual behavior in a valueless, amoral context," he wrote.

District policy allows parents who object to the classes for 7th- to 12th-grade students to have their children exempted from the lessons.

## PEOPLE

■ **John W. Porter** has accepted a one-year contract as interim superintendent of the Detroit school system.

Observers described the move this month as a victory for the slate of school-board members elected last fall on a promise to lead the district in a new direction. Veteran members had opposed Mr. Porter's candidacy.

John W. Porter

The new superintendent's first task will be to devise a $50-million deficit-reduction plan for the district. The board has dropped plans to ask voters in June to approve a levy increase and bond referendum that could have erased an estimated $151-million deficit.

A former state superintendent of instruction in Michigan, Mr. Porter has been serving as vice president of the National Board for Professional Teaching Standards.

■ **S. John Davis** announced last week that he will step down as Virginia's superintendent of public instruction after the state's next governor takes office in January.

Mr. Davis, 61, has held the state superintendency since 1979, when he was chosen for the post by Gov. John N. Dalton. Prior to his appointment, he served for nine years as superintendent of the Fairfax County public schools.

Mr. Davis said he was timing his retirement to permit the successor to Gov. Gerald L. Baliles, who cannot seek a second consecutive term, to pick his replacement. He said he has not yet decided whether he will remain in education.

■ **Students from Mississippi and Georgia** have won a national contest to christen the space shuttle that will replace the ill-fated Challenger.

The winners, selected by President Bush from a field of 111 state finalists, suggested the name Endeavour, after the sailing vessel used by the 18th-century explorer James Cook to chart the Pacific Ocean.

The class of gifted 5th-grade students at Senatobia Middle School in Mississippi, guided by Martha Riales, and a team of high-school students from Georgia's Tallulah Falls School, under the direction of Martha Cantrell, received their awards at a White House ceremony this month.

The Council of Chief State School Officers and the National Aeronautics and Space Administration sponsored the competition to fufill a Congressional mandate that the nation's schoolchildren name the Challenger's replacement.

Students had to involve teachers, parents, and members of their community in a research project to support their nomination.

## DIMENSIONS

# Counting the Children

Nearly 64 million children live in the United States, according to the U.S. Census Bureau's latest population estimates.

The statistics, released this month, show that as of July 1988 there were 18.5 million people under the age of 5, and 45.4 million ages 5 to 17.

Children thus account for 26 percent of the total U.S. population of 246 million—far below the 36 percent they represented in 1960. Demographers project that children's share of the population will continue to fall, to perhaps 21 percent by 2020.

The state population of young people ranges from 141,000 each in Wyoming and Vermont to 7.5 million in California.

| State | Under 5 Years | 5 - 17 Years |
|---|---|---|
| | (in thousands) | |
| [redacted] | | |
| Colorado | 264 | 605 |
| Connecticut | 222 | 538 |
| Delaware | 48 | 118 |
| District of Columbia | 47 | 91 |
| Florida | 848 | 1,947 |
| [redacted] | | |
| Iowa | 191 | 523 |
| Kansas | 191 | 462 |
| Kentucky | 253 | 728 |
| Louisiana | 372 | 924 |
| Maine | 84 | 220 |
| [redacted] | | |

| State | Under 5 Years | 5 - 17 Years |
|---|---|---|
| | (in thousands) | |
| Missouri | 370 | 942 |
| Montana | 62 | 159 |
| Nebraska | 120 | 303 |
| Nevada | 82 | 184 |
| New Hampshire | 81 | 194 |
| [redacted] | | |
| Oklahoma | 247 | 635 |
| Oregon | 190 | 496 |
| Pennsylvania | 791 | 2,057 |
| Rhode Island | 66 | 164 |
| South Carolina | 259 | 690 |
| [redacted] | | |
| Virginia | 430 | 1,040 |
| Washington | 348 | 842 |
| West Virginia | 113 | 364 |
| Wisconsin | 357 | 916 |
| Wyoming | 39 | 102 |

## RESEARCH AND REPORTS

### School Practices Cause Gender Gap In Writing Skill, Test Suggests

Girls outperform boys in writing because they get more opportunities to practice the skill in school, according to researchers who conducted an international assessment.

The test of students in 14 nations found that, in all countries, girls' writing achievement was higher than boys' on all tasks. In most cases, the differences were small, with the gap between girls' and boys' performance in the United States among the smallest.

The differences are largely due to girls' tendency to take more humanities courses, and thus receive more opportunities than boys to write in class, the researchers argued. Moreover, girls were found to perform better in classes led by women, who are more likely to be language-arts teachers.

Teaching practices also contribute to writing performance, the study concluded. Students in lower tracks, who performed poorly on the assessment, are more likely than others to spend their instructional time on mechanical drills, rather than on writing practice, it found.

The assessment, conducted in 1984-85 by the International Association for the Evaluation of Educational Achievement, tested 43,563 students in 1,898 schools. A complete report on the assessment is expected to be released in July.

■ **Montgomery County, Md., school officials admitted last week that they could not explain a "statistically significant" drop in standardized-test scores among black 3rd graders.**

Although the test performance of the county's black children had been steadily improving, average scores dropped by nine points this year.

An emergency report on the situation said that the drop was probably not a mere statistical fluke, since the same group of children also tested poorly last year.

# *My Dinner With Andre's Teacher*

A Denver businessman is betting that gastronomy can produce harmony, insofar as parent-teacher relations are concerned.

Seeking a way to encourage parental involvement at Jose Valdez Elementary School, a largely Hispanic school located near the offices of his television-production company, Philip R. Garvin has come up with a novel approach: paying for each 1st-grade teacher to take pupils and their parents to dinner at a local restaurant.

Mr. Garvin gave each of the school's six 1st-grade teachers $1,000 to compensate them for the extra work, along with $4,000 to pay for the food.

The meals have given teachers a chance to spend a few relaxed hours with parents, said Josie Garcia, a bilingual teacher who has attended 15 dinners this year.

"The parents came from Mexico to give their children a better chance, and they just need to be motivated and encouraged," she observed.

Mr. Garvin said his culinary generosity was an attempt to "create a new kind of culture between teachers and parents"—some of whom, he noted, may not have fond memories of their years in the classroom.

"It tells the student this is important, that school isn't just some place I'm sent in the morning to bide my time," he explained. "The parents are saying, 'This is a special occasion, it has to do with my child's school, and gee, this teacher is really quite nice.'"

The press coverage his efforts have attracted "is kind of sad," Mr. Garvin mused last week. "It should be something that's happening often enough that nobody pays attention to it."

—A.B.

## UPDATE

■ **The Winston-Salem, N.C., police department, not the local school system, should receive $10,000 seized from a man convicted on cocaine charges,** a federal judge has ruled.

The decision marked a setback for school districts in the state, which have been battling with police departments over assets seized from convicted felons. *(See Education Week, June 22, 1988.)*

The Winston-Salem school board had argued that it was entitled to the money because the state constitution says that fines, penalties, and forfeitures should go to the public schools.

Douglas Punger, a lawyer for the board, said federal officials were asked to take over the seizure of assets in the case. Because of a federal policy of sharing such assets with local police agencies, the state provision was not enforced, Mr. Punger contended.

A new federal anti-drug measure prohibits the use of federal forfeiture laws to circumvent state statutes. But U.S. District Judge Eugene Gordon, ruling this month, said the case was not subject to the new law, which does not take effect until October.

### Clarification

The chart on giving to independent schools in the May 17 issue was based on a survey conducted by the Council for Aid to Education Inc.